

ASSEMBLY BILL

No. 1969

Introduced by Assembly Member Maddox

February 14, 2002

An act to amend Section 13269 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1969, as introduced, Maddox. Waste discharge requirements: waivers.

Existing law, the Porter Cologne Water Quality Control Act, authorizes a California regional water quality control board to waive waste discharge requirements as to a specific discharge, or a specific type of discharge, if the waiver is not against the public intent. Existing law requires each regional board and the State Water Resources Control Board to require compliance with the conditions pursuant to which the waivers are granted.

This bill would provide that these conditions include requirements resulting to densities of total coliform, fecal coliform, and enterococcus bacteria that exceed certain sanitation standards or standards set forth in the California Ocean Plan.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13269 of the Water Code is amended to
2 read:
3 13269. (a) On and after January 1, 2000, ~~the provisions of~~
4 subdivisions (a) and (b) of Section 13260, subdivision (a) of

1 Section 13263, or subdivision (a) of Section 13264 may be waived
2 by a regional board as to a specific discharge or a specific type of
3 discharge if the waiver is not against the public interest. Waivers
4 for specific types of discharges may not exceed five years in
5 duration, but may be renewed by a regional board. The waiver
6 shall be conditional and may be terminated at any time by the
7 board.

8 (b) A waiver in effect on January 1, 2000, shall remain valid
9 until January 1, 2003, unless the regional board terminates that
10 waiver prior to that date. All waivers that were valid on January
11 1, 2000, and granted an extension until January 1, 2003, and not
12 otherwise terminated, may be renewed by a regional board in
13 five-year increments.

14 (c) Upon notification of the appropriate regional board of the
15 discharge or proposed discharge, except as provided in subdivision
16 (d), the provisions of subdivisions (a) and (b) of Section 13260,
17 subdivision (a) of Section 13263, and subdivision (a) of Section
18 13264 shall not apply to discharge resulting from any of the
19 following emergency activities:

20 (1) Immediate emergency work necessary to protect life or
21 property or immediate emergency repairs to public service
22 facilities necessary to maintain service as a result of a disaster in
23 a disaster-stricken area in which a state of emergency has been
24 proclaimed by the Governor pursuant to Chapter 7 (commencing
25 with Section 8550) of Division 1 of Title 2 of the Government
26 Code.

27 (2) Emergency projects undertaken, carried out, or approved
28 by a public agency to maintain, repair, or restore an existing
29 highway, as defined in Section 360 of the Vehicle Code, except for
30 a highway designated as an official state scenic highway pursuant
31 to Section 262 of the Streets and Highways Code, within the
32 existing right-of-way of the highway, damaged as a result of fire,
33 flood, storm, earthquake, land subsidence, gradual earth
34 movement, or landslide within one year of the damage. This
35 paragraph does not exempt from this section any project
36 undertaken, carried out, or approved by a public agency to expand
37 or widen a highway damaged by fire, flood, storm, earthquake,
38 land subsidence, gradual earth movement, or landslide.

39 (d) Subdivision (c) is not a limitation of the authority of a
40 regional board under subdivision (a) to determine that any

1 provision of this division shall not be waived or to establish
2 conditions of a waiver. Subdivision (c) shall not apply to the extent
3 that it is inconsistent with any waiver or other order or prohibition
4 issued under this division.

5 (e) The regional boards and the state board shall require
6 compliance with the conditions pursuant to which waivers are
7 granted under this section, *including requirements relating to*
8 *densities of total coliform, fecal coliform, and enterococcus*
9 *bacteria that exceed sanitation standards adopted pursuant to*
10 *Section 115880 of the Health and Safety Code, or standards set*
11 *forth in the California Ocean Plan adopted pursuant to Section*
12 *13170.2.*

13 (f) Prior to renewing any waiver for a specific type of discharge
14 established under this section, the regional boards shall review the
15 terms of the waiver policy at a public hearing. At the hearing, a
16 regional board shall determine whether the discharge for which the
17 waiver policy was established should be subject to general or
18 individual waste discharge requirements.

